

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

At the outset, Applicants note with appreciation the indication that claims 2, 3, 6, 10, 11, 15, 16, 19, 22, 23 and 27 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. Official Action at page 4.

By the above amendments, claims 2 and 6 have been amended to be in independent form. Claims 13-19 have been amended by replacing the word "it" with "the composite material". Claims 20-23, 26 and 27 have been amended for readability and/or clarification purposes.

In the Official Action, claims 13-19 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is moot in light of the above amendments, in which claims 13-19 have been amended to replace the word "it" with "the composite material". Accordingly, withdrawal of the §112, second paragraph, rejection is respectfully requested.

Claims 1, 4, 5, 7-9, 12-14, 17, 18, 20, 21, 24, 25 and 26 stand rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Document No. 8-332375 (JP '375). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Independent claim 1 is directed to a composite material comprising an active solid and a phase change material, wherein:

- the phase change material takes the form of micronodules having an average size of between 1 micron and 5 millimeters;
- the phase change material is selected from materials with a liquid/solid phase change temperature of between -150°C and 900°C;
- the active solid is selected from solids that can be used in a method involving reversible physicochemical processes that are exothermic in one direction and endothermic in the opposite direction.

It is submitted that U.S. Patent No. 5,536,302 (*Golden et al*) appears to be an English language equivalent of *JP '375*. As such, *Golden et al* will be referred to hereinafter in the present discussion concerning the outstanding §102(b) rejection.

Golden et al relates to an adsorbent which can be used for the removal of trace amounts of oxygen from inert gases. Col. 1, lines 13-15. *Golden et al* discloses that the adsorbent comprises a porous reducing support impregnated with an alkali metal oxide or an alkaline earth metal oxide of about 10% to about 90% by weight. See claim 1 of *Golden et al*.

It is well established that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). For an anticipation to exist, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In the present case, *Golden et al* does not disclose each feature recited in independent claim 1, and as such fails to constitute an anticipation of such claim. For example, *Golden et al* does not disclose a composite material comprising an

active solid and a phase change material, wherein the phase change material takes the form of micronodules having an average size of between 1 micron and 5 millimeters, as recited in claim 1. There is simply no disclosure in *Golden et al* of a phase change material which takes the form of micronodules having an average size of between 1 micron and 5 millimeters.

For at least the above reasons, it is apparent that *Golden et al* fails to constitute an anticipation of claim 1. Accordingly, withdrawal of the above rejection is respectfully requested.

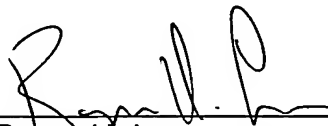
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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